IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 14916 of 2004

Between:

Tallam Bheemaiah, S/o. Late Veeraiah @ Kannaiah, Schedule Tribe, OCC: Agriculture, R/o. Kodeppagumpu, Charla Village and Mandal, Khammam District.

... PETITIONER

AND

1 The Project Officer, Social Welfare Department,
Integrated Tribal Development Agency, Bhadrachalam, Khammam District.
2 The Mandal Revenue Officer, Charla, Khammam, Khammam District.
3 Eddla Chandram, S/o. Late Muthyam, OCC: M.P.T.C.
R/o. Lingapuram, Cherla Mandal, Khammam District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not taking action basing on the orders passed by 1st respondent in his Rc.No. A2/ITDA/339/2004 - PR dt. 6-7-2004 against the 3rd respondent herein trying to encroach the patta land of the petitioner herein in Sy.No. 32/IP to an extent of Ac. 1.59 cents of Kothapalli Village, Charla Mandal, Khammam District which was assigned by the Government to the petitioner herein is illegal and void and opposed to Art. 14, 19, 21 and 300-A of constitution of India and consequently to direct the respondents not to interfere with

the peaceful possession and enjoyment of the petitioner's land in question by taking necessary action against the 3rd respondent herein.

Counsel for the Petitioner: MR.MUMMANENI.SRINIVASA RAO

Counsel for the Respondents 1 and 2: GP FOR REVENUE

The Court at the stage of admission made the following

ORDER:

None appears for Social Welfare Department inspite of serving papers and sending slip to the Government Pleader's Office in the morning. Even at 2.15 P.M also, none present.

2. The only grievance made by the petitioner is that though the first respondent-Project Officer, who is the District Collector, had issued directions to the second respondent - M.R.O, Charla Mandal that the petitioner-tribal should be allowed in possession and enjoyment of his property, the Mandal Revenue Officer has not complied the same so far.

3. In view of the same, the Mandal Revenue Officer, Charla Mandal, Khammam District is hereby directed to conduct an enquiry, as directed by the District Collector, and pass appropriate orders after due notice to the third respondent on verifying the records. This order cannot be understood that if the third respondent is in possession of the property, he should be dispossessed without a speaking order and giving opportunity to him to avail such of the remedies available on such action initiated.

The Writ Petition is accordingly disposed of. No costs.

Sd/- P.SIVA PRAKASH

SPECIAL OFFICER

// TRUE COPY //

SECTION OFFICER

To:

1 The Project Officer, Social Welfare Department,
Integrated Tribal Development Agency, Bhadrachalam, Khammam District.
2 The Mandal Revenue Officer, Charla, Khammam, Khammam District.
3 Two C.C s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

4 Two C.D. Copies.

5. One CC to M.Srinivasa Rao, Advocate (OPUC).

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